

15-007 D

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, County of Monmouth, and State of New Jersey that Chapter XXII, Development Regulations, of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to amend certain portions of the Development Regulations relating to Section 22-7, General Zoning Provisions, Subsection 22-7.25 (Fences and Walls), Schedule 7-2, Maximum Height Restrictions Hedgerows, Fences and Walls, to amend the Schedule to have Walls as a separate category with heights under various circumstances, and Schedule 5-1, Schedule of Zoning District Regulations to amend NOTE (20) within all areas of Special Flood Hazards.

Chapter XXII, Development Regulations, of the Code of the Borough of Rumson are hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):

SECTION 1

***Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS,
Subsection 7.8 Accessory Buildings and Structures shall be amended as follows:***

22-7.8 Accessory Buildings and Structures.

Accessory buildings and structures shall conform to this subsection and, when not in conflict with specific provisions of this subsection, to the general requirements set forth in Schedule 5-1, Schedule of Zoning District Regulations.

Editor's Note: Schedule 5-1, referred to herein may be found at the end of this chapter.

- a. Accessory structures which are not subject to general yard requirements include:
 1. Any accessory structure subject to specific requirements set forth in Section 22-7.
 2. Bulkheads, piers and docks.
 3. ~~Retaining walls less than four (4') feet high.~~
 4. 3. Walls other than retaining walls, including decorative, screening, and landscaping walls, less than four (4') feet high.
 5. 4. Residential accessory lighting, conforming to performance standards in subsections 22-7.22d, 12 and 13.
 6. 5. Fountains, sculpture, and decorative ponds, less than four (4') feet high.
- b. *Location of Accessory Buildings.* through k. No Change

SECTION 2

***Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS,
Subsection 7.25 Fences and Walls, shall be amended as follows:***

22-7.25 Fences and Walls.

- a. No Change.
- b. All fences, walls and hedgerows must be erected or installed within the property lines, and no fences, walls and hedgerows shall be erected so as to encroach upon a public right-of-way. The ~~centerline of fences or the face of retaining walls may be located within two (2') feet of a property line or must be at least fifteen (15') feet from property lines,~~ shall be located in compliance with the accessory structure setback requirements found in Schedule 5-1, except: when approved by the Municipal Agency, or within buffers, around refuse areas or when used for dog runs, garden enclosures or similar normal residential accessory uses. Back-to-back fences are permitted at the property line. Hedgerows shall be located so that foliage, at full maturity, shall not extend into the public right-of-way.

c. through j. No Change.

SECTION 3

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Schedule 7-2, Maximum Height Restrictions, Hedgerows, Fences and Walls (Subsection 22-7.25) shall be amended as follows:

Schedule 7-2 Maximum Height Restrictions Hedgerows, Fences, and Walls <u>and Retaining Walls</u> (Subsection 22-7.25)			
	<i>Within Clear Sight Area</i>	<i>R-1, R-2, R-3 Zone Districts Outside of Clear Sight Area</i>	<i>All Other Zone Districts Outside of Clear Sight Area</i>
Hedgerows	30"	Not regulated if in compliance with subsection 22-7.25	Not regulated if in compliance with subsection 22-7.25
Open and Picket Fences	30"	6' (72") anywhere except 48" in "required river setback" per subsection 22-7.32b,2	48" in required front yard or between principal structure and street 48" in required river setback per subsection 22-7.32b,2 48" in required secondary front yard or between principal structure and secondary front yard street frontage (see subsection 22-7.4) 6' (72") elsewhere
Walls and other fences (not open or picket)	30"	36" in required front yard or between principal structure and street 36" in required river setback per subsection 22-7.32b,2 48" in required secondary front yard or between principal structure and secondary front yard street frontage (see subsection 22-7.4) 6' (72") elsewhere	
<u>Retaining Walls</u>	<u>30"</u>	<u>36" in required front yard or between principal structure and street</u> <u>36" in required river setback per subsection 22-7.32b,2</u> <u>36" between the side accessory structure setback line and the side principal structure setback line</u> <u>36" between the rear accessory structure setback line and the rear principal structure setback line</u> <u>6' (72") elsewhere within the principal structure setback lines</u>	

SECTION 4

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.27 Soil Removal and Fill shall be amended as follows:

22-7.27 Soil Removal and Fill.

a. Borough approval shall be required for any grading or regrading of a property in accordance with the following schedule:

<i>Criteria to Require Borough Approval</i>		
	<i>R1 and R2 Zone Districts</i>	<i>All Other Zone Districts</i>
Removing soil from a property	Any removal	Any removal
Fill with soil from outside a property	<u>50</u> 100 cubic yards or more	<u>25</u> 50 cubic yards or more
Soil disturbance	<u>5,000</u> 10,000 square feet or more	<u>2,000</u> 3,000 square feet or more
Height (maximum change in elevation, <u>including retaining walls</u>)	2' or more	1' or more

b. No Change.

c. Unless otherwise permitted by the Municipal Agency, the Construction Official or his designee, a grading plan and/or accompanying information must conform to the following minimum standards:

1. through 12. No Change.

13. Include the name and the qualifications of the person preparing the plan. The plan shall be prepared by a Professional Engineer, Land Surveyor, Landscape Architect or Architect licensed in the State of New Jersey.

14. Soil boring logs or soil pit profiles showing the seasonal high water table based on mottling data must be provided for any application involving the construction of a new home, construction of a substantial addition [(resulting in a twenty-five (25%) percent or greater increase in floor area)] and/or the construction of a stormwater management facility or recharge system. A minimum of one soil boring log or soil pit profile shall be provided within the building footprint. A minimum of one soil boring log or soil pit profile shall also be provided at the location of all proposed infiltration or recharge systems located greater than 50 feet from the building footprint.

15. The grading plan, along with necessary supporting documentation, shall demonstrate compliance with the Borough’s Stormwater Management and Control Ordinance where applicable.

d. Wherever grading is to occur, necessary soil erosion prevention and protection measures in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey and consistent with industry best practices should be implemented to ensure work is undertaken with minimum impacts to the existing infrastructure and surrounding properties. As a minimum, a silt fence or barrier of equivalent or better protection must be installed around the limit of disturbance whenever there is a potential to impact an adjacent property or public infrastructure.

e. Grading or other disturbance of property shall be accomplished in accord with approved plans, good industry practice and in a manner to avoid damage to any property including public infrastructure and to protect the health and safety of the public. The applicant shall be responsible for addressing negative impacts to neighboring properties as related to grading or other property disturbance to the satisfaction of the Construction Official.

f. through g. No Change.

h. Any property that is elevated above existing grades shall not impede the free flow of stormwater runoff from adjacent properties.

SECTION 5

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, SCHEDULE 5-1 Schedule of Zoning District Regulations shall be amended as follows:

**BOROUGH OF RUMSON—SCHEDULE 5-1
SCHEDULE OF ZONING DISTRICT REGULATIONS**

ZONE DISTRICT	INTERIOR LOTS		CORNER LOTS		MINIMUM YARD REQUIREMENTS (FEET) (4)										Interior Lot Shape	Corner Lot Shape	Maximum Building Height (10) * *	Minimum Gross Residential Ground Floor Area			Minimum Gross Non-Residential Floor Area	Maximum Lot and Building Coverage (5) (9) (19) **	Maximum Floor Area Ratio (9) ***
	Minimum Lot Area	Minimum Lot Width and Frontage (Feet) (12)	Minimum Lot Area	Minimum Lot Width and Frontage (Feet) (12)	Principal				Accessory Building		Accessory Structure (4)		Square Feet (1) (2)										
					Front (18) (20)	One Side Yard (7) (16) (20)	Total of Two Side Yards (16) (20)	Rear Yard (17) (20)	Side Yard (17)	Rear Yard (17)	Side Yard (6)	Rear Yard (6)	Minimum Diameter Feet (8)	Minimum Diameter Feet (8)				1 Story	1 1/2 Story	2 Story			
RESIDENTIAL	1.5 AC.	200	1.5 AC	250	100	40	80 (7)	50	15	15	15	15	115	115		2400	1800	1400	N/A				
R-1 SINGLE FAMILY	1.0 AC.	150	1.0 AC	200	75	25	50 (7)	40	15	15	15	15	100	100		2000	1400	1200	N/A				
R-2 SINGLE FAMILY	.75 AC.	125	35000 S.F.	165	60	20	40 (7)	40	15	15	15	15	85	85		1500	1200	1000	N/A				
R-3 SINGLE FAMILY	10000 S.F.	75	12500 S.F.	100	35	7 (11)	18 (7)	40 (13)	5	5	5	5	50	50		900	800	600	N/A				
R-4 SINGLE FAMILY	6000 S.F.	50	8000 S.F.	75	35	6 (11)	16 (7)	35 (14)	5	5	5	5	34	33		800	700	600	N/A				
R-5 SINGLE FAMILY																							

R-6 SINGLE FAMILY	5000 S.F.	50	7000 S.F.	70	30	6 (1 1)	16 (7)	35 (1 5)	5	5	5	5	34	33		800	70 0	60 0	N/A		
BUSINESS																					
POB PROFESSIONAL OFFICE BUILDING	12000 S.F. (3)	100	12000 S.F. (3)	100	25	10	20	35	5	5	5	5	55	55		800	70 0	60 0 (3)	600 (3)		
NB NEIGHBORHOOD BUSINESS	12000 S.F. (3)	100	12000 S.F. (3)	100	25	10	20	30	5	5	5	5	65	65		800	70 0	60 0 (3)	600 (3)		
GB GENERAL BUSINESS	12000 S.F. (3)	100	12000 S.F. (3)	100	20	10	20	30	5	5	5	5	60	60		800	70 0	60 0 (3)	600 (3)		
POS PUBLIC FACILITIES AND OPEN SPACE	---	---	---	---	---	---	---	---	---	---	---	---	---	---		---	---	---	---		

NOTES:

- Ten percent of any habitable area over an attached garage in an R-1, R-2, or R-3 zone shall be considered as ground floor area for the purpose of computing minimum area. Where compliance with the required minimum gross residential ground floor area would violate the maximum coverage limits established by Tables 5-4 and 5-5, then the maximum permitted coverage limits shall be controlling and the required minimum gross residential ground floor area shall be the same as the maximum permitted coverage.
- For that type of residence known as a split level, the required square footage shall be computed by including the ground floor area enclosed by the outside faces of all exterior walls, excluding porches not fully enclosed, but including the area of an attached garage and the rooms over the garage. The required square footage for split level residences shall be equal to the minimum gross floor area required for one story houses in the respective zones in which they are situated.
- The minimum lot area and the minimum gross floor area of the ground floor of any principal building used for residential purposes in POB, or GB zones shall be the same as in the R-5 zone. The minimum lot area and the minimum gross floor area of the ground floor of any principal building used for residential purposes in the NB zone shall be the same as the R-4 zone. The minimum gross floor area of the ground floor of any other principal building in the POB, NB, or GB zones shall be 600 square feet.
- Any specific minimum yard requirements for particular accessory structures or accessory buildings contained in Section 22-7 shall apply if in conflict with the general minimum yard requirements in this schedule.
- Exclusions from lot coverage for permitted single-family dwellings:
 - Walkways constructed on grade.
 - That portion of unroofed patios and terraces which does not exceed 30% of the principal building ground floor area.
 - In the R-1, R-2 and R-3 zones, that portion of unroofed porches and decks which does not exceed 30% of the principal building ground floor area.
 - In the R-4, R-5 and R-6 zones, and for permitted single-family dwellings in the POB, GB, NB zones, that portion of unroofed porches and decks which does not exceed 20% of the principal building ground floor area.
 - Entry steps, and unroofed stoops and landings, in areas of special flood hazards as set forth in subsection 17-3.2, Basis for Establishing Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood Data.
- The required side and rear yard setbacks and other requirements for residential recreation facilities and residential sports facilities (which includes tennis and paddle tennis courts) are set forth in subsections 22-7.28 and 22-7.33 and Schedule 7-1.
- Where the lot width exceeds the minimum prescribed for the zone district, the combined total side yard setback shall be increased 1.5 feet for each full 5 feet by which lot width exceeds the minimum. One side yard shall be increased by at least 1/3 of the additional setback distance required. In the case of a corner lot or a lot with frontage on more than one street, the lot width along the yard line located at the front of the lot shall be used to calculate the required side yard setback. The front of the lot shall be determined in accordance with subsection 22-7.7c. Thereafter any subsequent construction shall be arranged to orient the front of the principal building to the designated front of the lot.
- Each lot shall be able to contain within it the shape of a circle tangent to the front yard setback line and located within the required minimum side and rear yard lines. The diameter of the circle shall be as prescribed for the zone district.
- That portion of a roofed, open-sided porch facing a front yard, which does not exceed 10% of the principal building ground floor area, may be excluded from the calculation of the maximum lot and building coverage for a single-family residential dwelling. The porch may be screened and include porch railing and/or balustrade and, below the floor level, porch lattice or other enclosure around the foundation, but it shall not otherwise be enclosed. Any subsequent enclosing of the porch, which results in exceeding the maximum lot and/or building coverage permitted, shall require approval of a variance pursuant to N.J.S.A. 40:55D-70c. Any subsequent enclosing of the porch, which results in exceeding the maximum floor area permitted, shall require approval of a variance pursuant to N.J.S.A. 40:55D-70d.
- No building shall exceed two stories plus a habitable attic or basement.
- In the R-4, R-5 and R-6 districts, the minimum side yards shall not be placed adjacent to one another, or, alternatively the distance between principal structures on the adjacent lots must be equal to the minimum required combined side yard.
- Lots bordering a river or navigable waterway are subject to the provisions of subsection 22-7.32.
- In the R-4 zone, the minimum rear yard required shall be at least 30% of the lot depth, rounded up to the full foot, or 40 feet, whichever is greater, but not to exceed 50 feet.
- In the R-5 zone, the minimum rear yard required shall be at least 30% of the lot depth, rounded up to the full foot, or 35 feet, whichever is greater, but not to exceed 50 feet.
- In the R-6 zone, the minimum rear yard required shall be at least 35% of the lot depth, rounded up to the full foot, or 35 feet, whichever is greater, but not to exceed 50 feet.
 - * See Schedule 5-2
 - **See Schedule 5-4 & 5-5
 - ***See Schedule 5-3A and 5-3B
- If floor area exceeds eighty-five (85%) percent of the maximum permitted, the minimum side yard shall be the greater of: 1) The minimum yard requirement shown in Schedule 5-1 plus two (2') feet or 2) The minimum yard requirement determined from Note 7, where applicable.
- The minimum rear yard and side yard setback in the R-4, R-5 and R-6 Zone Districts for accessory buildings and structures should be increased one (1) additional foot for each foot of accessory building height in excess of fifteen (15') feet.
- Roofed, open sided, one-story porches may be permitted to extend up to five (5') feet beyond the front yard setback in the R-4, R-5 and R-6 Zone Districts.
- One-half (1/2) of the area of the eaves, for eaves less than 24 inches in width, may be excluded from lot coverage and building coverage for single-family dwellings. For eaves larger than twenty-four (24") inches in width, half (1/2) of the first twenty-four (24") inches of the eaves may be excluded from both lot coverage and building coverage.
- Within all areas of special flood hazards as set forth in subsection 17-3.2, Basis for Establishing Areas of Special Flood Hazard, or in subsection 17-4.3b., Use of Other Base Flood Data, unroofed porches, landings, stoops and stairs may be permitted to extend up to ten (10') feet beyond the front set back line and up to five (5') feet beyond the side and rear setback lines of a Residential Zone, but in no event shall be located closer than five (5') feet to a side or rear property line.

SECTION 6

Chapter XXII (Development Regulations) Section 7 GENERAL ZONING PROVISIONS, Subsection 7.39 Basements/Cellars shall be amended as follows:

22-7.39 Basements/Cellars.

The bottom of the floor slab of a basement or cellar shall be a minimum of two (2') feet above the seasonal high water table based on mottling data prior to the construction of a new basement and/or cellar. The bottom of any proposed sump pit shall also be located a minimum of two (2') feet above the seasonal high water table. Soil boring logs and/or soil pit profiles shall be provided to document the seasonal high water elevation to the satisfaction of the Zoning Officer, Construction Official and/or Borough Engineer. The soil borings and/or soil pits shall be located within the footprint of the principal structure.

SECTION 7

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 8

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:29-2.1.

SECTION 9

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Introduced: March 24, 2015.

Passed and Approved:

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas S. Rogers
Municipal Clerk/Administrator